

### **REMARKS**

Claims 1-42 and 44-51 are currently pending in the subject application and are presently under consideration. Claims 1-24 and 45 have been amended herein to clarify what applicant regards as the invention – such amendments are not intended to limit the scope of the subject claims. A listing of all claims can be found at pages 2-9 of the Reply. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

Applicants' representative thanks the Examiner for the courtesies extended during the Interview conducted on April 23, 2007, during which the cited references and the pending claims were discussed.

#### **I. Rejection of Claims 1-23 and 45 Under 35 U.S.C. §101**

Claims 1-23 and 45 stand rejected under 35 U.S.C. §101 because the claims recite an interactive media, which is non-statutory subject matter. This rejection should be withdrawn for at least the following reasons. The subject claims are directed to statutory subject matter.

In particular, Examiner states the claimed subject matter fails to fall within the four enumerated categories (process, machine, manufacture or composition of matter) of patentable subject matter. Claims 1-23 and 45 have been amended herein to recite “an interactive media frame display system” to more clearly clarify the claimed subject matter. A system, as claimed, clearly falls within the four enumerated categories of patentable subject matter recited in section 101. In view of the amendments to the aforementioned claims this rejection is now believed to be moot and accordingly should be withdrawn.

#### **II. Rejection of Claims 1, 2, 4-10, 12, 13, 15-18, 24, 26-30, 32, 36-41, and 44-45 Under 35 U.S.C. §102(b)**

Claims 1, 2, 4-10, 12, 13, 15-18, 24, 26-30, 32, 36-41, and 44-45 stand rejected under 35 U.S.C. §102(b) as being anticipated by *Jacobi et al.* (U.S. 6,064,980). Withdrawal of this rejection is requested for at least the following reasons. *Jacobi et al.* fails to teach or suggest each and every element of the subject claims.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that “*each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (quoting *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added).

Applicants’ claimed subject matter relates to a system that facilitates viewing, browsing and manipulating media *via* a portable interactive media frame. To this end, independent claim 1 recites *an interactive media frame display system comprising a host component comprising at least one host media store and a media frame component that facilitates full interactivity by a user to remotely browse, manipulate, and view a plurality of media items stored in the at least one media store by interfacing with the host component via a communication connection between the media frame component and the host component*. Independent claim 24 recites “*a method of browsing, viewing and/or manipulating one or more media items from a remote interactive media frame display comprising ... receiving a user input that includes a request to browse, view or manipulate one or more media items and performing one or more acts on the one or more media items based at least in part upon the user input.*” Independent claim 45 recites, “*an interactive media frame display system comprising ... means for receiving a user input that includes a request to perform one or more act on the one or more media items and means for performing one or more acts on the one or more media items based at least in part upon the user input.*”

The media items can be manipulated in a variety of ways. Examples of manipulation of the media items include: deleting, annotating (e.g., tag with metadata), annotating with verbal input and/or voice recognition systems, new metadata can be generated, scrubbing of metadata, modifying various viewing cycles, real time calendar set-up, removal of a media item, storing a media on a local storage device and so forth. (See e.g., pg. 9, ln. 18 through pg. 10, ln. 17; pg. 11, lns 14-15 and lns 25-27; and pg. 19, ln. 30 to pg. 20, ln. 7). Thus, system provides a user the *ability to manipulate the media*

*items themselves* to achieve a desired result. Jacobi *et al.* does not disclose such novel features.

Jacobi *et al.* relates to a recommendation service that uses collaborative filtering techniques to recommend books to users of a Web site. (See *e.g.*, Abstract). Collaborative filtering techniques ask a user to rate items and can store those ratings. (See *e.g.*, col. 1, Ins. 27-31). Jacobi *et al.* discusses a web server application that allows a user to access a catalog of various titles offered by the application *via* a web site. (See *e.g.*, col. 4, Ins. 39-42). The system offers the user a database of titles that have been previously rated and also allows the user to browse the site to read about the various titles contained within the catalog. The database contains product information such as author, title, ISBN, description, price, *etc.* (See *e.g.*, col. 4, Ins. 42-46). However, the system of Jacobi *et al.* only allows the user to view, browse and manipulate *a catalog listing* (*e.g.*, rating) of the media items *and not the media items themselves, as claimed.* (See *e.g.*, col. 2, Ins. 46-50). Thus, the cited reference is silent regarding a media frame component that facilitates full interactivity by the user to remotely browse, manipulate, and view a plurality of media items stored the at least one media store; receiving a user input and performing one or more acts on the one or more media items based at least in part upon the user input, and/or means for receiving a user input and means for performing one or more acts on the one or more media items based at least in part upon the user input as recited in the subject claims.

Based on at least the foregoing, it is clear that Jacobi *et al.* does not teach or suggest all limitations as recited in the subject claims. Accordingly, it is requested that this rejection with respect to independent claims 1, 24 and 45 (and the claims that depend there from) should be withdrawn and the subject claims allowed.

### **III. Rejection of Claims 3, 11, and 25 Under 35 U.S.C. §103(a)**

Claims 3, 11, and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Jacobi *et al.* in view of Agarwal (U.S. Patent Application No. 2006/0178946). Withdrawal of this rejection is requested for the following reasons. Neither Jacobi *et al.* nor Agarwal, alone or in combination, teach or suggest all limitations recited in the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claims 3, 11 and 25 respectively depend from independent claims 1 and 24. As discussed *supra*, Jacobi *et al.* fails to disclose or suggest all features of independent claims 1 and 24 and Agarwal fails to make up for the deficiencies of Jacobi *et al.*

Agarwal relates to a system for creating gift clusters of multiple items in a client/server environment and for the ordering of such user defined gift clusters of multiple items. However Agarwal fails to teach or suggest ***a media frame component that facilitates full interactivity by a user to remotely browse, manipulate, and view a plurality of media items stored in the at least one media store***, as recited in independent claim 1. Nor does Agarwal teach or suggest ***receiving a user input and performing one or more acts on the one or more media items based at least in part upon the user input***, as recited in independent claim 24. Therefore, even if combined, the cited references do not teach or suggest all limitations recited in the subject claims.

Based on at least the above, Agarwal, when combined with Jacobi *et al.* fails to make up for the aforementioned deficiencies of Jacobi *et al.* Accordingly, it is requested that this rejection be withdrawn.

#### **IV. Rejection of Claims 14, 19-23, 31 and 33-35 Under 35 U.S.C. §103(a)**

Claims 14, 19-23, 31 and 33-35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Jacobi *et al.* in view of Demers *et al.* (U.S. Patent Application No.

2004/0068536). Withdrawal of this rejection is requested for at least the following reasons. The combination of the cited references fails to teach or suggest all claim limitations.

Claims 14, 19-23, 31 and 33-35 respectively depend from independent claims 1 and 24. As discussed *supra*, Jacobi *et al.* fails to disclose or suggest all features of independent claims 1 and 24. Demers *et al.* relates to a multimedia software application that can combine the multimedia experience with the transfer of information between a variety of sources, in a variety of directions and subject to a variety of prompts. However, Demers *et al.* fails to make up for the aforementioned deficiencies of Jacobi *et al.*

Thus, the cited references, alone or in combination, do not teach or suggest all claim limitations. Accordingly, it is requested that this rejection be withdrawn.

**V. Rejection of Claims 42, 46 and 47 Under 35 U.S.C. §103(a)**

Claims 42, 46 and 47 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Jacobi *et al.* in view of Kronz (U.S. 6,675,196). Withdrawal of this rejection is requested for the following reasons. The cited references, either alone or in combination, fail to teach or suggest all limitations of the subject claims.

Claims 42, 46 and 47 respectively depend from independent claims 24 and 45. As discussed *supra*, Jacobi *et al.* fails to disclose or suggest all features of amended independent claims 24 and 45. Kronz relates to a method and apparatus for enabling any of a variety of devices to communicate with each other over a common or universal protocol. When Kronz is placed in combination with Jacobi *et al.*, the combination fails to teach or suggest all claim limitations.

Thus, neither Jacobi *et al.* nor Kronz, alone or in combination, teach or suggest all claim limitations. Accordingly, this rejection should be withdrawn.

**VI. Rejection of Claims 48-51 Under 35 U.S.C. §103(a)**

Claims 48-51 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Jacobi *et al.* in view of Bendinelli *et al.* (U.S. 6,061,719). Withdrawal of this rejection is requested for at least the following reasons. The cited references, either alone or in

combination, fail to teach or suggest all claim limitations.

Claims 48-51 respectively depend from independent claim 45. As discussed *supra*, Jacobi *et al.* fails to disclose or suggest all features of independent claim 45. Specifically, Jacobi *et al.* fails to teach or suggest a ***means for receiving a user input and means for performing one or more acts on the one or more media items based at least in part upon the user input.*** Bendinelli *et al.* relates to techniques for integrating television and computer systems, and fails to make up for the aforementioned deficiencies of Jacobi *et al.*

Thus, even if the cited references were combined, as suggested, they would fail to teach or suggest all claim limitations. Accordingly, it is requested that this rejection be withdrawn.

**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP446USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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